

EXHIBIT “A”

All State Court Pleadings


Service of Process Transmittal Summary

TO: KIM LUNDY- EMAIL
 Walmart Inc.
 GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
 BENTONVILLE, AR 72712-3148

RE: Process Served in Georgia

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: POLEN FAITH // To: WALMART INC.

DOCUMENT(S) SERVED: Entry, Summons, Attachment(s), Complaint,

COURT/AGENCY: Liberty County - State Court, GA
 Case # STSV2022000277

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 08/10/2021, Walmart located at 751 Oglethorpe Highway, Hinesville, GA, 31313

PROCESS SERVED ON: The Corporation Company (FL), Cumming, GA

DATE/METHOD OF SERVICE: By Process Server on 12/21/2022 at 14:27

JURISDICTION SERVED: Georgia

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S)/SENDER(S): Dustin W. Hamilton
 Dozier Law Firm, LLC
 401 Mall Blvd., Suite 103E
 Savannah, GA 31406
 912-239-4395

ACTION ITEMS: CT has retained the current log, Retain Date: 12/21/2022, Expected Purge Date: 12/31/2022
 Image SOP

REGISTERED AGENT CONTACT: The Corporation Company (FL)
 106 Colony Park Drive
 STE 800-B
 Cumming, GA 30040
 877-564-7529
 MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



CT Corporation
Service of Process Notification

12/21/2022

CT Log Number 542897901

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

Civil Action No. STSV2022000277
Date Filed November 17, 2022

Superior Court ☐ Magistrate Court ☐
State Court ☒ Probate Court ☐
Juvenile Court ☐
Georgia, Liberty COUNTY

Attorney's Address
Dustin W. Hamilton
401 Mall Blvd Ste 103-E
Savannah, GA 31406

Faith Polen
Plaintiff

VS.

Name and Address of Party to be Served.
Walmart, Inc. C/O The Corporation Company
106 Colony Park Dr. Ste 800-B
Cumming, GA 30040

Walmart, Inc.
Defendant

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

NOTORIOUS

☐ I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.
☐ Delivered same into hands of _____ described as follows: age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

☒ Served the defendant The Corporation Company a corporation by leaving a copy of the within action and summons with Dayvon Jackson in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

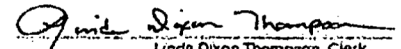
This 21st day of Dec., 20 22.

[Signature]
DEPUTY

**STATE COURT OF LIBERTY COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF STATE COURT
LIBERTY COUNTY, GEORGIA
STSV2022000277

NOV 17, 2022 09:58 AM


Linda Dixon Thompson, Clerk
Liberty County, Georgia

CIVIL ACTION NUMBER STSV2022000277

Polen, Faith

PLAINTIFF

VS.

Walmart, Inc.

DEFENDANT

SUMMONS

TO: WALMART, INC.

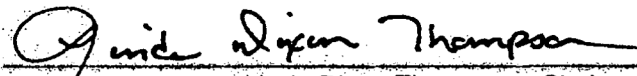
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Dustin W Hamilton
DOZIER LAW FIRM, LLC
401 Mall Blvd.
Suite 103E
Savannah, Georgia 31406**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 17th day of November, 2022.

Clerk of State Court


Linda Dixon Thompson, Clerk
Liberty County, Georgia

FILED IN OFFICE

General Civil and Domestic Relations Case Filing Information Form

CLERK OF STATE COURT
LIBERTY COUNTY, GEORGIA☐ Superior or ☒ State Court of LibertyCounty **STSV2022000277**

For Clerk Use Only

NOV 17, 2022 09:58 AM

Date Filed 11-17-2022Case Number STSV2022000277

MM-DD-YYYY

Linda Dixon Thompson
Linda Dixon Thompson, Clerk
Liberty County, Georgia

Plaintiff(s)

Polen, Faith

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Walmart, Inc.

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Hamilton, Dustin WBar Number 825725Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☒ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

FILED IN OFFICE
CLERK OF STATE COURT
LIBERTY COUNTY, GEORGIA
STSV2022000277

NOV 17, 2022 09:58 AM


Linda Dixon Thompson, Clerk
Liberty County, Georgia

**IN THE STATE COURT OF LIBERTY COUNTY
STATE OF GEORGIA**

FAITH POLEN,

Plaintiff,

v.

**WALMART, INC. and
JOHN DOES NO(S). 1-10,**

Defendants.

CIVIL ACTION NO.

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff in the above styled action, by and through her undersigned counsel of record, and hereby files this Complaint for Damages, respectfully showing this Honorable Court the Following:

1.

Defendant Walmart, Inc. (hereinafter "Walmart") is a foreign limited liability company who owns and/or operates the retail establishment and premises located at 751 Oglethorpe Highway, Hinesville, Georgia 31313 (hereinafter "subject premises"), subjecting it to the venue and jurisdiction of this Court.

2.

Defendant John Does No(s). 1-10 is a joint tortfeasor to this action subjecting them to the venue and jurisdiction of this Court.

3.

Defendant John Does No(s). 1-10, at all times relevant to this Complaint for Damages, was an employee and/or agent of Defendant Walmart, acting within the course and scope of their employment.

4.

On or about August 10, 2021, on the subject premises, Faith Polen, as an invitee, slipped and fell on a dangerous substance due to the negligence of Defendants Walmart and John Does No(s). 1-10.

5.

Defendant Walmart, the owner and/or operator of the subject premises, was negligent, as pled in ¶4, by failing to provide sufficient warning of the subject dangerous substance, by failing to remedy and remove the dangerous substance, by failing to use ordinary care in preventing hazardous conditions that could injure invitees, and by hiring and retaining an unsafe employee(s), to wit: Defendant John Does No(s). 1-10.

6.

Defendant John Does No(s). 1-10 was negligent, as pled in ¶4, by failing to provide sufficient warning of the subject dangerous substance, by failing to remedy and remove the dangerous substance, and by failing to use ordinary care in preventing hazardous conditions that could injure invitees.

7.

As a proximate and foreseeable result of Defendants' negligence, Faith Polen was seriously injured, incurring the following medical expenses to date:

<u>TREATMENT</u>	<u>START OF TX</u>	<u>END OF TX</u>	<u>BILLED AMOUNT</u>
Liberty Regional Medical Center	8/13/2021	8/13/2021	\$ 345.00
Southland MD	8/13/2021	8/13/2021	\$ 586.00
Ortho Sport & Spine	9/21/2021	10/19/2021	\$ 2,247.11
Precision Spine & Joint LLC	12/7/2021	3/1/2022	\$ 20,018.64
BrightLife Chiropractic	12/21/2021	3/30/2022	\$ 5,887.00
American Health Imaging	1/24/2022	1/24/2022	\$ 2,225.00
AssociatesMD Medical Group	1/28/2022	1/28/2022	\$ 2,557.44
Touchton Surgery Center	2/15/2022	2/15/2022	\$ 28,440.00
Effingham Rehab Services	3/7/2022	4/19/2022	\$ 4,704.00
TOTAL			\$ 67,010.19

8.

In addition to ¶7, Faith Polen has incurred lost wages in excess of \$1.00.

9.

In addition to ¶¶ 7 and 8, Faith Polen has endured and will continue to endure pain and suffering.

10.

Plaintiff Faith Polen has a cause of action against Defendant Walmart for negligence, negligent hiring and retention of an unsafe employee(s), respondeat superior, and all other applicable theories of liability.

11.

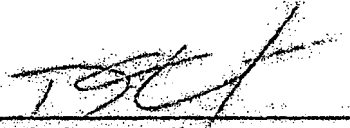
Plaintiff Faith Polen has a cause of action against Defendant John Does No(s). 1-10 for negligence and all other applicable theories of liability.

12.

Plaintiff Faith Polen is entitled to recover from Defendants for her past and future medical expenses, lost wages, past and future pain and suffering, and all other Damages as permitted by Law.

WHEREFORE, Plaintiff prays that she have a judgment against Defendants in an amount determined by a fair and impartial jury to be adequate and just.

This 16th Day of November, 2022.



Dustin W. Hamilton
GA Bar No. 825725
Attorney for Plaintiff

THE DOZIER LAW FIRM, LLC
401 Mall Blvd. Suite 103-E
Savannah, Georgia 31406
(P) 912-239-4395
(F) 912-239-4401
dustin@dozierlaw.com

FILED IN OFFICE
CLERK OF STATE COURT
LIBERTY COUNTY, GEORGIA
STSV2022000277
JO
JAN 19, 2023 04:08 PM


Linda Dixon Thompson, Clerk
Liberty County, Georgia

FAITH POLEN,

Plaintiff,

VS.

**WALMART, INC. and
JOHN DOES NO(S) 1-10,**

Defendants.

CIVIL ACTION
FILE NO. STSV2022000277

DEFENDANT WALMART’S ANSWER AND DEFENSES
TO PLAINTIFF’S COMPLAINT

COMES NOW, improperly named and mis-identified Defendant “Walmart, Inc.” (hereinafter “Walmart”) and files this Answer and Defenses to Plaintiff’s Complaint, showing the Court as follows:

First Defense

Walmart Inc., improperly identified as “Walmart, Inc.” (with comma), is not a proper party in this matter and must be dismissed. While Defendant denies any and all liability, Defendant states that “Wal-Mart Stores East, LP” is the business entity involved in the day-to-day operation of the Walmart store at issue, and would be the only potentially proper defendant in this matter.

Second Defense

Pending additional investigation and discovery, Plaintiff's Complaint, taken as a whole, may fail to state a claim against Defendant upon which relief may be granted.

Third Defense

Pending additional investigation and discovery, Defendant states that Plaintiffs' alleged injuries and damages may have been caused or contributed to by Plaintiff's own actions or inactions.

Fourth Defense

Pending additional investigation and discovery, Defendant states that Plaintiff's alleged injuries and damages may have been caused or contributed to by another party's actions.

Fifth Defense

Defendant denies that Defendant or Defendant's agents or employees were negligent in any way in connection with the alleged incident which is the subject of this litigation.

Sixth Defense

Defendant breached no duty owed to Plaintiff.

Seventh Defense

Plaintiff may not recover against Defendant because no act or omission of Defendant was the legal cause or the proximate precipitating cause of Plaintiff's alleged injuries and damages.

Eighth Defense

Pending further investigation and discovery, Defendant asserts the defenses of contributory and comparative negligence.

Ninth Defense

Plaintiff may not recover against Defendant due to Plaintiff's equal or superior knowledge of any condition which she alleges resulted in this event.

Tenth Defense

Plaintiff failed to exercise ordinary care for her own safety.

Eleventh Defense

Defendant denies any and all allegations regarding negligent inspection and failure to warn.

Twelfth Defense

Plaintiff is not entitled to any special damages to the extent that Plaintiff has failed to specifically plead them in accordance with O.C.G.A. § 9-11-9(g).

Thirteenth Defense

Plaintiff is not entitled to attorney's fees, expenses, post-judgment interest or pre-judgment interest under the facts of this case. Further, Defendant preserves all rights against Plaintiff to the extent these claims are asserted without any justifiable basis in fact or law. If Plaintiff's claims are determined to be false or fraudulent, Defendant reserves the right to seek all sanctions against all persons allowed by law.

Fourteenth Defense

Pending further investigation and discovery, Defendant reserves the right to assert all affirmative defenses available under the Georgia Civil Practice Act.

Fifteenth Defense

In answer to the specific allegations of Plaintiff's Complaint, Defendant shows the Court as follows:

1.

Denied, as pled. Defendant incorporates its First Defense.

2.

Defendant is without knowledge sufficient to form a belief as to the truth of the allegations

contained within this paragraph. Defendant denies any allegation or inference that it is a tortfeasor.

3.

Defendant is without knowledge sufficient to form a belief as to the truth of the allegations contained within this paragraph.

4.

Denied.

5.

Denied.

6.

To the extent “John Doe” refers to an employee of Walmart, denied.

7.

Denied.

8.

Defendant is without knowledge sufficient to form a belief as to the truth of any allegations regarding Plaintiff’s alleged lost wages. Any implied allegation of negligence, liability, or breach of duty to Plaintiff on the part of Defendant or its agents or employees contained in this paragraph are denied.

9.

Defendant is without knowledge sufficient to form a belief as to the truth of any allegations regarding Plaintiff’s alleged pain and suffering. Any implied allegation of negligence, liability, or breach of duty to Plaintiff on the part of Defendant or its agents or employees contained in this paragraph are denied.

10.

Denied.

11.

Denied.

12.

Denied.

13.

Defendant denies that Plaintiff is entitled to any of the relief listed in the Prayer for relief that appears directly below Paragraph 12 of Plaintiff's Complaint and begins with the word "WHEREFORE".

Defendant denies all other allegations of the Complaint which have not been specifically responded to in the previous paragraphs herein.

DEFENDANT HEREBY DEMANDS TRIAL BY JURY OF TWELVE REGARDING ANY ISSUES NOT SUBJECT TO SUMMARY ADJUDICATION.

Having fully answered, Defendant prays that it be discharged with all costs cast against Plaintiff.

Respectfully submitted, this 19th day of January, 2023.

DREW ECKL & FARNHAM, LLP

100 Main St., Suite A
St. Simons Island, GA 31522
becknellL@deflaw.com
912.602.6965
dipolitoS@deflaw.com
912.267.9908

/s/ Samantha A. DiPolito
Leslie P. Becknell
Georgia Bar No. 046320
Samantha A. DiPolito
Georgia Bar No. 203011

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Answer and Defenses to Plaintiff's Complaint*. was served by filing through the electronic e-file system to the following counsel of record as addressed as follows:

Dustin W. Hamilton
The Dozier Law Firm, LLC
401 Mall Blvd
Suite 103-E
Savannah, Georgia 31406
dustin@dozierlaw.com

This 19th day of January, 2023.

DREW ECKL & FARNHAM, LLP

100 Main St., Suite A
St. Simons Island, GA 31522
becknellL@deflaw.com
912.602.6965
dipolitoS@deflaw.com
912.267.9908

/s/ Samantha A. DiPolito

Leslie P. Becknell
Georgia Bar No. 046320
Samantha A. DiPolito
Georgia Bar No. 203011